

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ANDERS ALM, WILHELMUS P.J. APPEL, HERNAN ARBER, JASON BAPTISTE, GABRIEL P. BAPTISTELLA, CORNELIS P. BOELE, GRAHAM BROWN, QINGNING CAO, KERRY CHEN, MARK T. CHERALLA, JONATHAN S. DALE, NGUYEN Q. DAT, PETER DAVIDA, KERRY FLANNAGAN, TIMOTHY D. FRANKLIN, MATTHEW G. GOSWICK, JASPER GRITTER, ADRIANUS J. HEIJLIGERS, DANIEL HILDERMAN, IRVIN HOOGLAND, TOMAS ILLØKKEN, ANDERS JOHNSGAARD, BORUT KOLARIC, SIMON KORAK, JAN W. KORT, ELIOT LEIGH, TIM MAK, MAURICE J. MARTINEZ, MIRACLE N. OCHOMMA, KAI Y. OOI, SMITA PANCHAL, EVA PAPADOPOULO, HAN M. PENG, ALISON PIKE, LUKE PORTER, KAINAN QU, ANKUR RAKSHIT, HENRIK M. RAUTIO, DANIEL C. REYNOLDS, HARRO RIEDSTRA, SEVER A. ROCSIN, LOEK ROSENBAUM, IGOR L. SAN MARTIN, ROLAND R. SCHÜTTE, KAREL SEGERS, LEONID SHAPIRO, JAMES SPOKOINI, NATASHA STEWART, AMY SYED, KEN H. TEOH, NICHOLAS TSUI, SAREL J. VENTER, JACQUELINE WALLIN, GREGOR A. WALLNER, IDY D. WATT, MAURICE WEISZ, ZACHARY WILDES, NAOR YEHUDAEY, CHARLES YOON, CRAIG YOUNG,

Plaintiffs,

v.

JEREMY SPENCE, JOHN DOE NO. 1 a/k/a
BLACKXANTUS,

Defendants.

Case No. 1:19-CV-04005 (GBD)

**DECLARATION OF
CHARLES YOON
IN SUPPORT OF
INQUEST ON DAMAGES**

Pursuant to 28 U.S.C. § 1746, the undersigned, CHARLES YOON, declares as follows:

1. My name is CHARLES YOON. I am over the age of eighteen. I am domiciled in New York, New York.

2. The matters referred to in this Declaration are based upon my personal knowledge and my review of available business records. If called to testify as a witness, I could and would testify competently to the facts set forth in this Declaration.

3. I am a Plaintiff in this case, and I make this declaration to support a finding of damages I have suffered due to the conduct of Jeremy Spence and as more fully described in Plaintiffs' Amended Complaint [Dkt. 8].

**A. Losses Related to the CSM Fund,
the Alts Fund, and the Long Term Fund**

4. In 2017, I participated in various online groups devoted to cryptocurrency trading on the cloud-based messaging site Telegram. It was on Telegram that I first interacted with Jeremy Spence, who used the handles @coin_signals or, later, @real_coin_signals. He would post frequently on these groups regarding developments in the cryptocurrency market and his views about trading cryptocurrencies.

5. In late 2017, I was among the individuals Jeremy Spence invited to one or more of his paid forums (referred to as "channels") on Discord, another cloud based messaging site. I paid for access to this site, and as a result, received more in-depth trading strategies from Spence.

6. In early 2018, Spence began to actively solicit me to invest in what he described as one of his three investment funds, the CSM Fund, the Alts Fund, and the Long Term Fund (collectively, the "Funds").

7. At that time, Mr. Spence told me that he was a successful cryptocurrency trader and that his trading strategies had generated tremendous cryptocurrency gains for him. He often claimed on Telegram and Discord that he had amassed a "stack" of Bitcoin as a result of his trading.

8. I subsequently learned in connection with the criminal prosecution of Mr. Spence that none of these representations were true.

9. With respect to the Funds themselves Mr. Spence told me that the Funds accurately reported trading gains and losses and that, as an investor in the Funds, I could deposit and withdraw from the Funds at regularly-scheduled intervals.

10. Likewise, I subsequently learned through my own experience and through Mr. Spence's criminal prosecution, that none of these representations were true.

11. Based on the representations made by Mr. Spence as to his investment skill and the Funds managed by him, I deposited with Mr. Spence **5.7898408 Bitcoin**, worth **\$44,959.48**. I made no withdrawals. Accordingly, my net out of pocket losses in the Funds are **\$44,959.48**.

CSM Fund, Alts Fund and LT Fund Losses

Last Name	Date	Deposit / (Withdrawal) [in BTC]	Closing Price of Bitcoin on Date	Deposit / (Withdrawal) [In \$]
Yoon	1/19/2018	0.2000000	\$11,521.76	\$2,304.35
Yoon	2/8/2018	0.2000000	\$8,260.69	\$1,652.14
Yoon	2/17/2018	1.0000000	\$11,097.21	\$11,097.21
Yoon	3/14/2018	3.0000000	\$8,217.70	\$24,653.10
Yoon	5/10/2018	0.0095000	\$8,421.00	\$80.00
Yoon	5/10/2019	1.3803408	\$3,747.39	\$5,172.68
Total		5.7898408		\$44,959.48

12. Beginning in September 2018, I requested from Mr. Spence the withdrawal of my investment in the Funds. I made these requests again in October and November 2018.

13. Mr. Spence never responded to my requests. Instead, and as detailed in the First Amended Complaint, Mr. Spence promised all of his investors that he would process and distribute their withdrawal requests. Mr. Spence made these statements on September 11, 2018, September 12, 2018, September 13, 2018, September 24, 2018, September 29, 2018, October 1, 2018, October 2, 2018, October 31, 2018, and November 4, 2018,

14. In Discord posts that took place on November 28, 2018 and December 20, 2018, Mr. Spence admitted to his investors, including me, (1) that he did not have the funds available to satisfy investor withdrawal requests, (2) that he had recently incurred new losses even after telling investors the Funds would be closed and investments returned, and (3) that he had been hiding his actions “with lies and deceit.”

15. In spite of my repeated requests, to date, Mr. Spence has refused to return any portion of my investment to me.

B. Losses Related to the EverMarkets Initial Coin Offering

16. In addition to purportedly running his investment funds, Mr. Spence also solicited investors to pool cryptocurrency with him to participate in Initial Coin Offerings (“ICOs”).

17. An Initial Coin Offering (“ICO”) is the cryptocurrency equivalent of an initial public offering. ICOs act as fundraisers for companies where instead of offering shares of stock to the public, the company issues a new cryptocurrency token specific to that ICO.

18. The company holding the ICO uses the investor funds as a means of furthering its business, such as launching a new product or service. Investors, in turn, hope that the token will perform well in the future, providing them with a significant return on their investment.

19. Since many companies holding ICOs do not want to deal with small investors, they establish high minimum investments to discourage smaller investors. As a result, many investors often pool their funds together to participate in ICOs.

20. In February 2018, Mr. Spence solicited me to pool cryptocurrency with him to participate in an ICO being offered by the start-up EverMarkets.

21. On February 15, 2018, I sent Mr. Spence two (2) Ethereum to participate in the EverMarkets ICO. On that date, Ethereum had a closing prices of \$927.95. Accordingly, as detailed below, my **two (2)** Ethereum had a market value of **\$1,855.90**.

EverMarkets ICO Losses

Last Name	Date	Deposit / (Withdrawal) [in ETH]	Closing Price of Ethereum on Date	Deposit / (Withdrawal) [In \$\$]
Yoon	2/15/2018	2.0000000	\$927.95	\$1,855.90
Total		2.0000000		\$1,855.90

22. Mr. Spence took my Ethereum, pooled them with Ethereum he received from other investors, and sent those funds to EverMarkets in connection with their ICO.

23. After receiving investor funds, however, EverMarkets cancelled their ICO and returned cryptocurrency back to investors.

24. As the pool organizer, Mr. Spence received the pooled cryptocurrency back from EverMarkets, including my investment, but kept the cryptocurrency for himself rather than return it to investors.

25. I requested on several occasions that he return my investment. Mr. Spence, however, did not respond to my requests and, to date, has failed to return my Ethereum to me.


26. My losses related to this investment and the conversion of these funds by Mr. Spence are **\$1,855.90**.

27. When coupled with my losses in the Funds of **\$44,959.48**, my total losses related to the activities of Mr. Spence are **\$46,815.38**.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this date: 10/26/2022
(Date)

New York, NY
(City) (State)

DocuSigned by:

2BE73DF17864411
Charles Yoon